

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 1, 2002

The Tippecanoe County Commissioners met on Monday, July 1, 2002 at 9:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President KD Benson, and Member Ruth E. Shedd; Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney Douglas J. Masson, and Secretary Pauline E. Rohr.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Benson moved to approve the minutes of the June 17, 2002 Regular Meeting as distributed, seconded by Commissioner Shedd; motion carried.

APPROVAL OF CLAIMS

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Claims as submitted for the periods ending June 21, 2002, June 28, 2002, and July 1, 2002, seconded by Commissioner Benson; motion carried.

ORDINANCE 2002-26-CM: USO Amendment #1-02: Area Plan Assistant Director Sallie Fahey

ORDINANCE 2002-27-CM: USO Amendment #2-02

ORDINANCE 2002-28-CM: UZO Amendment #27

- Commissioner Benson moved to hear and approve Ordinance 2002-26-CM, Ordinance 2002-27-CM, and Ordinance 2002-28-CM, seconded by Commissioner Shedd.

(quote)

June 20, 2002
Ref. No. 02-333

Tippecanoe County Commissioners
20 North 3rd, Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **USO AMENDMENT #1-02:** Changes to subsection 3.5 of Section 3, Subdivision Application Procedures and Approval Processes, revising the rules and requirements for Parcelization, to take effect on October 1, 2002.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 19, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed USO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed subdivision ordinance amendment be APPROVED.

Sincerely,

/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-26-CM

**AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change subparts (a), (b), (c), (d) and (h) of part (3) STANDARDS, of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

(a) Number and Area of Parcels.

Parcelization shall not be permitted inside incorporated areas. The maximum number of parcels that can be created from a parent tract as defined in subsection 2.2 of this ordinance, and the minimum area of those parcels shall be as follows:

Zoning Classification of Land to be Parcelized	Maximum No. of Parcels	Minimum Area of Parcels, Exclusive of Right-of-Way*
AA	2	2 acres

*Unless Tippecanoe County Ordinance 99-30-CM or its successors requires more.

A parcel may contain some FP-zoned land as well, but only if there is sufficient land within the non-FP portion to place a primary use building and its accessory buildings and paved areas and still conform with the Unified Zoning Ordinance and Tippecanoe County Ordinance 99-30-CM or its successors. Parcel area shall be measured exclusive of right-of-way.

(b) Parcels Abutting a Public Road.

For parcels that abut a public road, the minimum parcel width shall be 200 feet. Parcel width shall be measured along the right-of-way line of the public road. For parcels abutting more than one public road, parcel width standards shall apply along each public road abutted. For parcels abutting a public road that cannot derive access from that road, an easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.

(c) Parcels Not Abutting a Public Road.

For parcels that do not abut a public road, the minimum parcel width shall be in accordance with the requirements of Tippecanoe County Ordinance 99-30-CM, *The Private Sewage Disposal Ordinance of Tippecanoe County*, or its successors, but in no case less than 100'. For each such parcel, either a front lot line and all necessary setbacks or a building setback of 25 feet from all property lines, shall be included either on the drawings or recorded as a covenant. An easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.

(d) Sewage Disposal.

Each parcel shall be served either by sanitary sewer or on-site sewage disposal system. Sanitary sewer is required when the sewer provider (city, town or American Suburban Utilities) determines in writing that service is available and a sewer line is located no farther than 300' from the lot line of the nearest proposed parcel. For proposed parcels not meeting the requirements for sanitary sewer on-site sewage disposal systems that meet the standards of Tippecanoe County Ordinance 99-30-CM or its successors shall be required.

(h) Saving Provision.

All parcelizations recorded, or approved and still eligible to be recorded, shall remain valid. A parcelization application submitted prior to October 1, 2002, shall be reviewed under the previous ordinance, but only if it meets all requirements of *Unified Subdivision Ordinance* section 3.5(2) by the close of business on September 30, 2002.

Section 2: Change subparts (a) and (c) of part (4) DOCUMENTATION of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

(a) Sewage Disposal.

If the property to be parcelized is located outside the Cities of Lafayette and West Lafayette or the Towns of Dayton, Battle Ground, and Clarks Hill but within an area served by a sanitary sewer system from an incorporated city or town, the land divider shall submit written documentation from the appropriate service provider as to whether sanitary sewer would be available for use. If such service is unavailable, or if the property is located beyond the areas served by the systems, the land divider shall provide written documentation that the County Board of Health has been satisfied that the standards of Tippecanoe County Code Ordinance 99-30, or its successors, have been met to assure the continued operation or the proper installation of an on-site sewage disposal system on each parcel.

(c) Easements for Private Drives.

Should the land divider at the time of parcelization provide an easement for a private drive connecting parcels to a public road, the land divider shall submit ten copies of the description of that easement prepared by a registered land surveyor, and signed by all owners and notarized. Where applicable, a statement shall be appended to each legal description of each parcel as follows: "This parcel is subject to an easement for ingress and egress recorded in _____ Record _____, Page _____." Should the land divider choose to submit parcelization drawings, the description

should appear on the face of the drawings and be signed by all owners and notarized. An additional statement must accompany any such easement description indicating that private driveways constructed in these easements shall not be accepted for maintenance by any participating jurisdiction.

Section 3: Change part (5) PRIVATE DRIVEWAYS of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

(5) Private Driveways

The construction and maintenance of private driveways built to provide access to parcels shall be the responsibility of the owner or owners of the land. These driveways shall not be accepted for maintenance by participating jurisdictions. A private driveway shall not be named if it serves less than six (6) parcels, lots and or tracts. A private driveway shall be named by the land divider when it serves at least six (6) parcels, lots and/or tracts. The name shall first be approved by the Commission's Staff, the 911 Coordinator and the U.S. Postal Service as not duplicating, or too closely approximating phonetically, the name of any other street whether public or private, in the area covered by this ordinance. A sign indicating the name of the private driveway only may be erected, provided that the sign is not constructed with white letters on a green background, and is not constructed using any other format or color scheme used by a participating jurisdiction to identify a publicly maintained street or road. The words "private drive" shall be placed after the name. Placement of the sign shall be approved by the Executive Director of the County Highway Department or his designee at the time of the driveway permit issuance.

Section 4: Change subpart (a) of part (7) DISSOLUTION of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (a) Upon recording the dissolution statement, the land involved, for purposes of land division, is restored to its pre-parcelization status.

Section 5: This ordinance shall be in full force and effect on October 1, 2002. Beyond October 1, 2002, a previously submitted parcelization application shall be reviewed under the previous ordinance, but only if it meets all requirements of *Unified Subdivision Ordinance* section 3.5(2) by the close of business on September 30, 2002.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this
_____ day of _____, 20__.

VOTE:

 John L. Knochel, President

 KD Benson, Vice President

 Ruth E. Shedd, Member

ATTEST:

 Robert A. Plantenga, Auditor

June 20, 2002
 Ref. No. 02-339

Tippecanoe County Commissioners
 20 North 3rd Street
 Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **USO AMENDMENT #2-02:** Fourteen changes and additions to Sections 2-5 creating a new category of subdivision, the Rural Estate Subdivision, and specifying procedures and requirements that pertain to it.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 19, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed USO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed subdivision ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-27-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY, NO. 79-31

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1. Change TABLE OF CONTENTS listings 3.2 and 5.3, and add listings 3.6 and 5.13 to read:

	3.2..... Major and Minor Subdivisions: Sketch Plan Application Procedure
3.6.....	Rural Estate Subdivisions..... ..
	Figure 4. Rural Estate Subdivision Approval Process..... ..
	5.3..... Roads
	Table 1. Design Standards for Public Roads..... ..
5.13.....	Rural Estate Subdivisions..... ..

Section 2. Change all occurrences within the *Unified Subdivision Ordinance* of the phrase *principal use building* to read *primary use building*.

Section 3. Change 2.2, WORDS AND TERMS DEFINED, of **SECTION 2, DEFINITIONS**, by adding definitions of “flag lot,” “non-tillable,” rural estate road,” “rural estate subdivision,” and “rural estate zone” to read as follows:

FLAG LOT. A piece of land meeting all definitional requirements for a lot or parcel, which is situated behind one or more lots or parcels having frontage on a public or private street. The “flag” portion contains the primary use building, meeting setback requirements from the designated front lot line. The “pole” portion fronts on a public or private street, is a minimum of 20-ft. wide and contains the driveway connecting the “flag” to the street.

NON-TILLABLE. Covered with brush or scattered trees with less than 50% canopy cover, or permanent pasture land with natural impediments (ditches, water channels, rocks, etc.) that deter use of the land for crop production.

RURAL ESTATE ROAD. A road built as part of a rural estate subdivision providing access to and/or through an RE zone, built to specific minimum standards found in the Unified Subdivision Ordinance. This road may be designated as either a private road to be maintained by a homeowners’ association, or a

public street, dedicated to the public and accepted for public maintenance.

RURAL ESTATE SUBDIVISION. A unified rural residential development zoned RE, rural estate zone, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential lots.) A rural estate subdivision shall be located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of its acreage is either:

- (1) wooded and untilled,
 - (2) non-tillable, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision has a maximum density of no more than 1 dwelling unit per 2 acres, and a minimum residential lot area of 1 acre, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way.

RURAL ESTATE ZONE. A rural zone containing part or all of a rural estate subdivision, located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of the acreage of the rural estate subdivision of which it is a part is either:

- (1) wooded and untilled,
 - (2) non-tillable, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate zone request includes no more than 12 residential lots, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned.

Section 4. Change 2.2, WORDS AND TERMS DEFINED, of **SECTION 2, DEFINITIONS**, by amending definitions of “primary use building,” building site,” “major subdivision,” “minor subdivision” and “sketch plan,” to read as follows:

PRIMARY USE BUILDING. A building (including any other building attached in a substantial way, such as by a roof), in which the primary use of the lot or parcel is conducted. For single-family and two-family residential uses, it is the main dwelling or dwellings. For multi-family residential uses it is all dwelling units. Only one primary use building is permitted per lot or parcel. If multiple buildings on a lot or parcel are engaged in the same primary use, the building housing that use's operating or managing office is considered the primary use building; all others are considered accessory buildings. Where multiple primary use buildings occupy the same lot or parcel, but are all operated or managed from the same building(s), the building(s) housing the managing office(s) shall be the primary use building(s), and all others shall be accessory to it (them), but only if these multiple use buildings are in single ownership. Also, an integrated center shall be considered a primary use building. The primary use building constructed on any qualifying lot, parcel or tract to which land has been added by Exemption B or E pursuant to the definition of subdivision, shall be located in whole or in part on the portion of that lot, parcel or tract from which it acquired its building site as defined in the Unified Subdivision Ordinance. No primary use building shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to the date this definition was amended.

BUILDING SITE. Any piece of land qualifying under both this ordinance and the Unified Zoning Ordinance for an Improvement Location Permit for a primary use building.

MAJOR SUBDIVISION. Any subdivision not classified as a minor or rural estate subdivision, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

MINOR SUBDIVISION. Any subdivision not classified as rural estate of not more than four (4) lots, all with frontage on a perimeter street, or any further subdivision or resubdivision of a nonresidential development whose lots may or may not have frontage on a perimeter street which does not include any

improvement to a public road, provided such subdivision activity involves neither the construction of any new street or road, nor the imposition of any adverse effect upon the use of the remainder of the land or adjoining property as determined by the Commission, and provided such activity conflicts with neither any provision or portion of the Comprehensive Plan, Official Map, or Unified Zoning Ordinance, nor any of the regulations set forth herein.

SKETCH PLAN. The initially submitted graphic representation of a proposed major or rural estate subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval and prepared by a Registered Land Surveyor or Engineer.

Section 5. Change part (a) and the final paragraph of subsection (1) of 3.1, GENERAL PROCEDURE, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

(1) **Classification of Land Divisions.**

All land to be divided shall be categorized into one of three (3) main classes of land division indicated within this ordinance's definition of subdivision. These classes are:

- (a) subdivisions, major, minor and rural estate

Before any permit shall be granted for a structure to be erected on land to be subdivided, the subdividing owner or his subdivision agent shall apply for and secure approval of the proposed subdivision in accordance with Section 3.6, or Section 3.2 and either Section 3.3 or Section 3.4 of this ordinance. Before any permit shall be granted for a structure to be erected on land to be parcelized, the land divider or his agent shall certify to the satisfaction of the Staff of the Commission that all requirements for parcelization have been met, as detailed in Section 3.5 of this ordinance.

Section 6. Change the last sentence of the first paragraph and all of the second paragraph of subsection (2) of 3.1, GENERAL PROCEDURE, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

(2) **Discussion of Requirements.**

... The distinction between major, minor and rural estate subdivision as defined in this ordinance, shall be made by the Staff when the applicant submits an application for sketch plan approval.

However the further division of a parent tract from which four (4) lots or parcels eligible as principal use building sites have already been created (whether by minor subdivision, parcelization or a combination of both), shall be classified as a major subdivision, unless this further division is a rural estate subdivision, or exempt because the additional lots are ten (10) or more acres in size (Exemption A in the definition of subdivision), or because the lots have been created by order of a court (Exemption C). For purposes of this paragraph, a lot is "created" on the date of its recording.

Section 7. Change the title of 3.2, of SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

3.2 Major and Minor Subdivisions: Sketch Plan Application Procedure

Section 8. Add 3.6, RURAL ESTATE SUBDIVISIONS, to SECTION 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, to read:

3.6 Rural Estate Subdivisions

(1) **General Procedure.**

The rural estate subdivision process begins with a required pre-submission meeting arranged by the subdivider with the Commission's Staff. At this meeting the subdivider provides the necessary materials and information for Staff to determine the feasibility of

the proposal as a rural estate subdivision. Should Staff make a positive determination, the subdivider shall follow the procedures and be subject to the processes outlined in Figure 4, and detailed in this Section. The subdivider proceeds by filing a rural estate sketch plan application as provided in this ordinance along with the RE (Rural Estate) rezone petition, as provided in the Unified Zoning Ordinance. If the RE rezone is successful, the subdivider may then submit the preliminary plat to be heard by the Commission's Executive Committee for primary approval. Following approval of the construction plans for required public and private improvements, a final plat is submitted for secondary approval and recordation.

(2) **Pre-submission Meeting.**

Before submitting an application for rural estate sketch plan review, the subdivider shall arrange a meeting with the Commission's Staff, County Health Department, County Highway Department and County Surveyor (representing the County Drainage Board).

- (a) The subdivider shall bring to this meeting:
 - (i) Information about the location and distance from the nearest available sanitary sewer;
 - (ii) an aerial photograph of the entire tract, with wooded, untilled and non-tillable areas outlined; and
 - (iii) a scaled draft plan of the entire tract showing road and lot layout, lot and outlot areas, the rural estate road right-of-way (public) or outlot (private).
- (b) Discussion at this meeting shall include:
 - (i) completeness and accuracy of the above materials;
 - (ii) the rural estate subdivision and RE rezone timetable; and
 - (iii) additional checkpoint agencies to include at the sketch plan review meeting.

(3) **Official Submission Date.**

The deadline for submittal of a sketch plan and application shall be thirty (30) calendar days prior to the date of the public meeting at which the subdivider intends to have his RE rezone petition heard by the Commission.

(4) **Sketch Plan Application Requirements.**

After the pre-submission meeting, the subdivider shall file an Application for rural estate subdivision sketch plan review with the Commission's Staff. This application shall:

- (a) be made on forms available at the office of the Commission and signed by the owner(s);
- (b) include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided, accompanied by information regarding ownership, which shall include the dates the respective holdings of land were acquired, together with the deed record of each conveyance to the present owner as recorded in the County Recorder's Office. This information shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date contract of sale was executed. If any corporations are involved, the Commission's Staff may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number;
- (c) be accompanied by a minimum of three (3) copies of the sketch plan;
- (d) be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) per lot in excess of four (4) lots;
- (e) include an address and telephone number of an agent located within the territory of the Commission who shall be authorized to receive all notices required by this ordinance; and
- (f) include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.

(5) **Checkpoint Submission.**

In order to fulfill this last application requirement, a copy of the proposed rural estate sketch plan shall be submitted to each of the agencies appropriate to the plan's location so that comment may be made to the Staff. The checkpoint agencies appropriate to each participating jurisdiction in

which a plat may be located are listed in Figure 1. The Executive Director shall request that all officials and agencies to whom a request for review has been made, submit a written report to him within twelve (12) calendar days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection".

(6) **Sketch Plan Review Process.**

Within twelve (12) calendar days of the subdivider's rural estate sketch plan application submittal, the Commission's Staff shall have studied the proposal, reviewed checkpoint reports received, and met with the subdivider to discuss pertinent aspects of the proposed subdivision and possible modifications and/or changes that may be suggested or required by this ordinance. The Executive Director shall request that a representative of each checkpoint agency wishing to be involved in a sketch plan review be present to participate in the sketch plan review meeting. In taking into consideration the requirements of this ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan as adopted by the participating jurisdictions.

(7) **Revised Sketch Plan.**

If changes to the sketch plan are necessary to meet rural estate subdivision requirements, a revised sketch plan must be filed no less than twelve (12) calendar days prior to the Commission's hearing on the RE rezone petition.

(8) **Rural Estate Subdivision Preliminary Plat Procedure (Primary Approval).**

(a) **Submission Requirements.**

Following the submission and review of the sketch plan application and the Board of County Commissioner's approval of the RE rezone petition, the subdivider may file for primary approval of a preliminary plat. This submission shall:

- (i) be made on forms available at the office of the Commission;
- (ii) include indication of all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet there from, or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, with the names of the owners as shown in the Auditor's files;
- (iii) be presented to the Staff of the Commission no less than twenty-one (21) calendar days prior to the Area Plan Commission Executive Committee meeting at which it is intended to be heard;
- (iv) be accompanied by three (3) copies of the preliminary plat as described in this ordinance;
- (v) not deviate from the sketch plan as reviewed and/or revised with regard to the subdivision boundary and maximum number of lots; and
- (vi) include a listing signed by the checkpoint agencies indicating that they have received a copy of the preliminary plat or a certification that it has been sent.

(b) **Placement on the Executive Committee Agenda.**

Subsequent to the submission for primary approval, the Commission shall place the matter on its next Executive Committee meeting agenda for formal action.

(c) **Staff Review.**

Subsequent to placement on the agenda, and prior to the date of public hearing, the Commission's Staff shall review the proposal and prepare a written report to the Executive Committee and applicant indicating Staff's recommendation with regard to the subdivision being proposed.

(d) **Public Hearing Notification and Sign Posting Requirements.**

The Executive Committee shall hold a public hearing on the preliminary plat and notice of such hearing shall be in two local newspapers of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the applicant has placed

posters advising interested parties of the hearing provided by the Staff of the Commission at the locations designated by the Staff on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10) days prior to the public hearing. Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Executive Committee at the time of the public hearing an affidavit so testifying.

(e) **Approval of the Preliminary Plat (Primary Approval).**

After the Executive Committee has held a hearing upon the preliminary plat, the Staff's report, checkpoint recommendations, and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Executive Committee shall at a public meeting, grant approval, or approval with conditions, or shall disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, approval with conditions, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Executive Committee grants primary approval of a plat showing park reservation or land for other local government unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Executive Committee is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708 (d).

(f) **Field Trip.**

The Executive Committee, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.

(g) **Effective Period of Primary Approval.**

Unless extended, the approval of a preliminary plat shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. Upon request of the applicant the Commission or Executive Committee may only extend the primary approval of a rural estate preliminary plat one time for a maximum of two (2) years beyond the original expiration date without further notice and public hearing.

(9) **Rural Estate Subdivision Construction Plans Procedure.**

(a) **Submission Procedure and Requirements.**

Following the review of the sketch plan the subdivider may submit draft construction plans for review by the County Highway Department and the County Surveyor/County Drainage Board. Following primary approval and prior to submission for secondary approval, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director of the Commission, a minimum of five (5) sets of complete Construction Plans for approval. The subdivider can neither seek improvement location permits nor begin any development (including earth moving) activity until the Executive Director approves the Construction Plans. To be considered complete for submission, Construction Plans shall have already been:

- (i) approved and signed by the Director of the County Highway Department for plans with a public rural estate road, or certified by the subdivider's licensed professional engineer or registered land surveyor for plans with a private rural

estate road; and

- (ii) approved and signed by the County Surveyor on behalf of the County Drainage Board; and
- (iii) comply with any applicable conditions of the primary approval.

(b) **Review Process.**

The Commission's Staff shall review a complete construction plan submission within 14 working days of its filing. If found to be in compliance, the Executive Director shall stamp the plans approved and distribute them to the subdivider, County Highway Department, and County Surveyor. In no event shall construction plans be approved prior to primary approval, nor shall secondary approval be given prior to approval of construction plans.

(c) **Installation of Improvements.**

The installation of public improvements shall be inspected by the appropriate participating jurisdiction(s). Such inspections are required in all instances regardless of whether the work is performed before or after secondary approval. Failure to request inspection of work performed after the date of this ordinance and before secondary approval may be cause for denial of secondary approval.

The installation of required private improvements shall be certified as complying with the approved construction plans by the subdivider's licensed professional engineer or registered land surveyor.

(10) **Rural Estate Subdivision Final Plat Procedure (Secondary Approval).**

(a) **Submission Requirements.**

Following primary approval and approval of construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Executive Director of the Commission a request for secondary approval of a subdivision plat. The application shall:

- (i) be submitted on forms available at the office of the Commission;
- (ii) include the entire subdivision;
- (iii) be accompanied by ten (10) paper prints and three (3) mylar reproducible prints of the final subdivision plat as described in this ordinance;
- (iv) totally comply with the ordinance and the terms and conditions of primary approval;
- (v) be accompanied by the performance bond, if permitted, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and
- (vi) be accompanied by restrictive covenants in a form approved by the Commission, where proposed by the subdivider or required by the Executive Committee.

(b) **Determination of Conformance (Secondary Approval).**

In order to be recorded, a final subdivision plat shall be found to be in conformance with the primary approval either by the Staff, or by the Executive Committee at a public meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Executive Committee at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Staff, or by the Executive Committee at a public meeting.

- (i) Should the subdivider not choose Executive Committee review, the Staff shall within ten (10) working days, review the items submitted as per Section 3.6(9)(a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Staff shall recommend the signing of the certificate granting secondary approval.
- (ii) Should the subdivider choose Executive Committee review, the Executive

Committee shall perform the same function but at a public meeting. The subdivider shall request in writing Executive Committee review no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on the next available Executive Committee meeting agenda.

Staff shall review the proposal and submit a written report and recommendations to the Executive Committee and the applicant; and the Executive Committee, at the public meeting shall approve or disapprove the final plat. If granted secondary approval it shall be signed by the Designated Officials. If not granted secondary approval then the subdivider shall be informed as to the insufficiency of his submittal.

(c) **Sectionalizing Plats.**

Sectionalizing rural estate subdivision plats shall not be permitted. All lots granted primary approval on the rural estate subdivision preliminary plat shall be included on the final plat for secondary approval.

(11) **Signing and Recording a Plat.**

(a) **Signing of a Plat.**

- (i) When a bond is permitted, the Designated Officials shall endorse secondary approval on the plat by signing the certificate after the bond has been filed, and all conditions of the primary approval have been satisfied.
- (ii) When installation of improvements is required the Designated Officials shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the participating jurisdiction as shown by a certificate signed by the County Commissioners or County Drainage Board that the necessary improvements have been accomplished.

(b) **Assurance to Subdivider.**

If the subdivider elects to install all improvements before he applies for secondary approval and it is shown that the conditions of the ordinance have been met, and if the final plat completely conforms to the primary approval, the Commission shall grant secondary approval.

(c) **Recording of Plat.**

- (i) The Designated Officials shall sign the certificate granting secondary approval on each paper print and mylar print.
- (ii) It shall be the responsibility of the subdivider in the presence of the Executive Director or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature.
- (iii) After recording, one paper print and one mylar print shall be retained in the office of the Commission. At least one paper print and two mylar prints shall be returned to the subdivider and his engineer or surveyor. The Staff of the Commission shall distribute the remaining paper prints to the appropriate agencies.

Section 9. Change parts (a) and the first sentences of parts (b) through (d) of subsection (2), PERFORMANCE BONDS, of 4.1, IMPROVEMENTS AND PERFORMANCE BOND, of SECTION 4, ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, to read:

(2) **Performance Bond.**

- (a) The Commission in its discretion may waive the requirement that the applicant complete all public improvements prior to the submission of the final subdivision plat, and that, in

lieu thereof, the applicant shall post bond securable to Tippecanoe County, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements, which shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.

- (b) That in lieu of such a bond the developer may submit a certified check made payable to Tippecanoe County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.
- (c) That in lieu of such a bond the developer may submit irrevocable letters of credit in behalf of the developer and securable by Tippecanoe County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.
- (d) That in lieu of such a bond the subdivider may submit a certificate of deposit made out to either Tippecanoe County and/or the developer, to be held by the County Auditor and in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for in Sections 3.3(7)(a)(i), 3.4(8)(a)(i), and 3.6(10)(a)(i) of this ordinance.

Section 10. Change the first sentence of part **(a)** of subsection **(1)**, GENERAL PROCEDURE, of **4.2**, INSPECTION OF PUBLIC IMPROVEMENTS, of **SECTION 4**, ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, to read:

- (a) If the participating jurisdiction finds upon inspection per Sections 3.3(7)(a)(ii), 3.4(8)(a)(ii), and 3.6(10)(a)(ii) that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans.

Section 11. Change the first sentence of part **(a)**, of subsection **(1)**, GENERAL IMPROVEMENTS, of **5.3**, ROADS, of **SECTION 5**, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

- (a) **Frontage on Improved Roads.**
Except for rural estate subdivisions, no subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there be no Official Map, unless such street is:

Section 12. Change **TABLE 1: DESIGN STANDARDS FOR ROADS**, of part **(a)**, GENERAL, of subsection **(2)**, DESIGN STANDARDS, of **5.3** ROADS, of **SECTION 5**, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, and add to it FOOTNOTES 7 and 8, to read:

Section 13. Change subsection **(3)**, REFERRAL TO PUBLIC BODY, of **5.9**, PARKS, PLAYGROUNDS, RECREATION AREAS AND OTHER COMMUNITY FACILITIES, of **SECTION 5**, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

- (3) **Referral to Public Body.**
The sketch plan shall be referred to the public body concerned with the reservation for its consideration and report as per Sections 3.2(2) and 3.6(4)” of this ordinance.

Section 14. Add **5.13**, RURAL ESTATE SUBDIVISIONS, to **SECTION 5**, REQUIREMENTS FOR IMPROVEMENTS, RESERVATION AND DESIGN, to read:

5.13 Rural Estate Subdivisions

(1) **General.**

The rural estate subdivision is unique in that it is the only classification of subdivision permitted in the RE (Rural Estate) zone and shall meet specific standards different from other subdivisions. For that reason the application procedures and approval processes in Section 3 have been separated from the major and minor subdivision sections. However, in Sections 4 and 5 many requirements apply to all subdivisions, including rural estate. The differences are noted throughout these sections for the three subdivision classifications. To better unify the rural estate subdivision and zoning processes, the following standards are the same as those found in the Unified Zoning Ordinance for Rural Estate Zones.

(2) **Standards.**

To ensure limited and appropriate levels of residential development in some rural areas in unincorporated Tippecanoe County, without jeopardizing productive farmland and the way of life associated with farming, the following parameters shall be incorporated into any submission seeking approval of a rural estate subdivision:

- (a) Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall be located no closer than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.
- (b) Subdivider shall demonstrate that more than 50% of the acreage in the rural estate subdivision request is either:
 - (i) wooded and untilled,
 - (ii) non-tillable, or
 - (iii) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001, or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%, part of which may be zoned FP. Subdivider shall supply evidence of this percentage in the form of current and past aerial photography available from the Soil and Water Conservation District.
- (c) 12 single-family residential lots shall be the maximum proposed for any rural estate subdivision.
- (d) Lots created through RE zoning and simultaneous rural estate subdivision, shall be a minimum of 1 acre of either RE-zoned land, or 1 acre of RE-and FP-zoned land of which at least 30,000 sq. ft. is zoned RE, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way, within a maximum zone density of no more than 1 dwelling unit per 2 acres within the rural estate subdivision.
- (e) Each lot shall be accessed only from a rural estate road within the proposed RE-zoned site. Subdivider shall demonstrate that any rural estate road would be sited to minimize damage to existing trees and topography.
- (f) A rural estate road shall be built to the specific standards found in Section 5.3 above and below in 5.13(2)(g) and 5.13(2)(h).
- (g) If it is to be held privately by a homeowners' association, the rural estate road shall:
 - (i) have a minimum 20' pavement width, within a minimum 52'-wide outlot;
 - (ii) have either two 4' or wider grassed shoulders or curb and gutter alongside the pavement;
 - (iii) if shoulders, have side ditches with a maximum 3:1 slope;
 - (iv) when required by the County Drainage Board, have additional easements platted beyond the edge of the outlot; and
 - (v) should it be a cul-de-sac, end in a turnaround. If looped, this turnaround shall have a minimum 20' pavement width, surrounded by a 4' or wider grassed shoulder and side ditches or curb and gutter; if no curb and gutter, have side ditches with a maximum 3:1 slope, all situated in an outlot having a minimum 80' diameter. Should the rural estate road end in a hammerhead, each side shall conform to 5.13(2)(g)(i) through 5.13(2)(g)(iv) above.

All cross section design standards shall be certified by subdivider's Registered

Land Surveyor or Professional Engineer as complying with private rural estate road standards. A private rural estate road may, on a case-by-case basis, be dedicated and may be accepted for public maintenance at any time if it has been built or subsequently rebuilt to County Highway Department standards current at the time of the request.

- (h) If it is to be a public street dedicated and accepted for public maintenance, the rural estate road shall:
 - (i) conform to all subdivision road standards as per Section 5.3 above; or
 - (ii) conform to the following public rural estate road standards:
 - (A) a rural cross-section in a dedicated 52' minimum right-of-way, with 20' of pavement, 4' grassed shoulders, and a drainage easement configured with 3:1 maximum side slopes with a 2' minimum ditch depth; and
 - (B) an appropriate rural cross-section cul-de-sac, subject to County Highway Department standards.
- (i) Water supply shall be by individual well or a central water supply.
- (j) Sanitary effluent shall be handled either by individual or clustered sewage disposal system, approved by the County Health Department through the rural estate subdivision process.
- (k) The County Drainage Board shall enforce all aspects of drainage, including side ditches if situated within a privately held outlot. However, the County Highway Department shall enforce side ditches in dedicated right-of-way.
- (l) A homeowners' association shall be created and appropriate documents recorded at the time of final plat recording. The association shall be responsible for maintaining any outlot, private rural estate road, common area, and improvement for common usage, and for implementing any approved stormwater management, landscape and erosion control plans. Deeds transferring outlots and common areas to the homeowners' association shall be recorded at the time of final plat recording.

Section 15. This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20__.

VOTE:

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

June 20, 2002
Ref. No. 02-345

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **UZO AMENDMENT #27:** Twenty-six sections amending Chapters 1-6 and Appendix D, by adding an additional rural zone, and restrictions and regulations pertaining to it, to be called RE, Rural Estate Zone.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 19, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-28-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **PART 2**, ZONE REGULATIONS of the **TABLE OF CONTENTS** by skipping a line after 2-27-14 and adding:

2-28 RE – Rural Estate Zones..... 104

Section 2: Change **1-4-4**, RURAL ZONES, of **CHAPTER 1** GENERAL PROVISIONS, to read:

1-4-4 RURAL ZONES:

A: Agricultural **AW:** Agricultural and Wooded
AA: Select Agricultural **RE:** Rural Estate

Section 3: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by adding definitions of “flag lot,” “non-tillable,” rural estate road,” “rural estate subdivision” and “rural estate zone” to read as follows:

FLAG LOT. A piece of land meeting all definitional requirements for a *lot* or *parcel*, which is situated behind one or more *lots* or *parcels* having *frontage* on a *public* or *private street*. The “flag” portion contains the *primary use building*, meeting *setback* requirements from the designated *front lot line*. The “pole” portion fronts on a *public* or *private street*, is a minimum of 20’ wide and contains the driveway connecting the “flag” to the *street*.

NON-TILLABLE. Covered with brush or scattered trees with less than 50% canopy cover, or permanent pasture land with natural impediments (ditches, water channels, rocks, etc.) that deter use of the land for crop production.

RURAL ESTATE ROAD. A *road* built as part of a *rural estate subdivision* providing access from an existing perimeter *street* to and/or through an RE zone, built to specific minimum standards found in the *Unified Subdivision Ordinance*. This *road* may be designated as either a private *road* to be maintained by a homeowners’ association, or a *public street*, dedicated to the public and accepted for public maintenance.

RURAL ESTATE SUBDIVISION. A unified rural residential *development* zoned RE, *rural estate*

zone, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential **lots**.) A **RURAL ESTATE SUBDIVISION** shall be located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of its acreage is either:

- (1) wooded and untilled,
 - (2) **non-tillable**, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A **RURAL ESTATE SUBDIVISION** has a maximum **density** of no more than 1 **dwelling unit** per 2 acres, and a minimum residential **lot area** of 1 acre, exclusive of any outlot containing drainage **easements** and/or **rural estate roads**, and exclusive of any **public street right-of-way**.

RURAL ESTATE ZONE. A **rural zone** containing part or all of a **rural estate subdivision**, located more than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier. More than 50% of the acreage of the **rural estate subdivision** of which it is a part is either:

- (1) wooded and untilled,
 - (2) **non-tillable**, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A **RURAL ESTATE ZONE** request includes no more than 12 residential **lots**, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned.

Section 4: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by amending the definitions of “home occupation,” “perimeter lot,” “rural home occupation,” “rural zone” and part of “zonal base rate” to read as follows:

HOME OCCUPATION. An **accessory use** to a **dwelling unit**, carried out for gain by one or more residents, conducted as a customary and incidental use to the resident’s **dwelling unit**, within the **use** requirements of 5-5-2 below, and as authorized in 5-5-3. Except as indicated in 5-5-2, this does not include the wholesale or retail sale of goods or materials on site. It is permitted:

- (1) in any non-rural and non-flood plain **zone**,
- (2) in A, AW and AA **zones** on any **lot** up to 2 acres in area, and
- (3) on any residential **lot** in an RE **zone**,

which authorizes the **dwelling unit** to which the **HOME OCCUPATION** is **accessory**.

PERIMETER LOT. A **lot** in an R1Z zone that either adjoins or faces any other **lot** zoned R1, R1A, R1B, R1U, A, AA, AW or RE.

PRIMARY USE BUILDING. A **building** (including any other **building** attached in a substantial way, such as by a roof), in which the **primary use** of the **lot** or **parcel** is conducted. For **single-family** and **two-family** residential **uses**, it is the main **dwelling** or **dwellings**. For multi-family residential **uses** it is all **dwelling units**. Only one **PRIMARY USE BUILDING** is permitted per **lot** or **parcel**. If multiple **buildings** on a **lot** or **parcel** are engaged in the same **primary use**, the **building** housing that **use**’s operating or managing office is considered the **PRIMARY USE BUILDING**; all others are considered **accessory buildings**. Where multiple **primary use buildings** occupy the same **lot** or **parcel**, but are all operated or managed from the same **building(s)**, the **building(s)** housing the managing office(s) shall be the **PRIMARY USE BUILDING(S)**, and all others shall be accessory to it (them), but only if these multiple **use buildings** are in single ownership. Also, an **integrated center** shall be considered a **PRIMARY USE BUILDING**. The **PRIMARY USE BUILDING** constructed on any qualifying **lot**, **parcel** or tract to which land has been added by Exemption B or E pursuant to the definition of **subdivision**, shall be located in whole or in part on the portion of that **lot**, **parcel** or tract from which it acquired its building site as defined in the *Unified Subdivision Ordinance*. No **PRIMARY USE BUILDING** shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to the date this definition was amended.

RURAL HOME OCCUPATION. An *accessory use* to a *dwelling unit*, carried out for gain by one or more residents, and if desired, one non-resident, conducted as a customary and incidental *use* to the resident's *dwelling unit*, within the *use* requirements of 5-5-5 below, and as authorized in 5-5-6 below. Except as indicated in 5-5-5, this does not include the wholesale or retail sale of goods or materials on site. It is permitted on *lots* 2 acres or larger in area in any *rural zone*, other than RE, which authorizes the *dwelling unit* to which the **RURAL HOME OCCUPATION** is *accessory*.

RURAL ZONE. An A, AA, AW or RE *zone*.

ZONAL BASE RATE. The area of *signage* which is multiplied by various factors to determine the maximum sign area per *sign-lot*. The **ZONAL BASE RATE** is:

(1) 6 sq. ft. in R1, R1A, R1B, R1U, R1Z, R2, R2U and RE *zones*; . . .

Section 5: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by replacing *principal use building* with *primary use building* all three times it appears in the definition of "subdivision."

Section 6: Add 2-28 RURAL ESTATE ZONES, at the end of **CHAPTER 2**, ZONE REGULATIONS, to read:

RE	2-28 RURAL ESTATE ZONES	RE
2-28-1	<p>INTENT: To provide limited and appropriate areas in rural Tippecanoe County beyond the reach of sanitary sewers, for very low <i>density single-family dwellings</i>. RE <i>zones</i> shall only be located where their presence would jeopardize neither the continued use of productive farmland, nor the way of life associated with farming. The cumulative impact of multiple RE <i>zones</i> shall be taken into account in determining whether such a <i>zone</i> would be appropriate where proposed.</p>	
2-28-2	<p>PERMITTED USES AND STRUCTURES: <i>Primary uses:</i> see 3-2 <i>Accessory uses:</i> see 4-1</p>	
2-28-3	<p>USES AND STRUCTURES ALLOWED BY SPECIAL EXCEPTION: <i>Primary uses:</i> see 3-2</p>	
2-28-4	<p>MINIMUM LOT AREA, RURAL ESTATE SUBDIVISION as determined by the Tippecanoe County Health Department – as per County Health Department Ordinance No. 99-30-CM or its successors – on a lot-by-lot basis, but in no case less than 30,000 sq. ft. of RE-zoned land within at least 1 acre, exclusive of any outlot containing drainage <i>easements</i> and/or <i>rural estate roads</i>, and exclusive of any <i>public street right-of-way</i>. Regardless of <i>lot area</i>, maximum <i>density</i> within a <i>rural estate subdivision</i> shall be no less than 2 acres per <i>dwelling unit</i> See 4-3 for additional information</p>	
2-28-5	<p>MINIMUM LOT WIDTH: 100', or 45' when at least 75% of a <i>lot</i> fronts on the circular turn-around portion of a <i>rural estate road</i> cul-de-sac, measured along the line separating the <i>lot</i> from the adjoining outlot containing private <i>road</i> and drainage swale, or from the edge of the public <i>right-of way</i>, or 20' at the 'pole' dimension and 100' at the flag dimension of a <i>flag lot</i></p>	
2-28-6	<p>LOT COVERAGE: Maximum coverage by all <i>buildings</i> - 10%</p>	

Minimum vegetative cover - 80%		
2-28-7	MINIMUM FRONT, REAR OR SIDE SETBACK ALONG ROAD FRONTAGE:	25' from the edge of any <i>rural estate road</i> , measured along the line separating the <i>lot</i> from the adjoining outlot containing private <i>road</i> and drainage swale, or from the edge of the public <i>right-of-way</i> . From the edge of a <i>public street</i> that is not a <i>rural estate road</i> : <i>Along a local road or place</i> - 25' <i>Along a collector road</i> - 30' <i>Along a secondary arterial</i> - 40' <i>Along a primary arterial</i> - 60' See 4-4-2 through 4-4-6 for exceptions
2-28-8	MINIMUM REAR SETBACK NOT ALONG AN INTERNAL ROAD:	<i>Primary use or accessory building</i> - 25' See 4-4 for additional information
2-28-9	MINIMUM SIDE SETBACK NOT ALONG AN INTERNAL ROAD:	6' See 4-4 for additional information
2-28-10	MAXIMUM BUILDING HEIGHT:	35' See 4-5 for exceptions
2-28-11	MINIMUM OFF-ROAD PARKING REQUIREMENTS:	2 spaces per <i>dwelling unit</i>
2-28-12	ON PREMISE SIGNS:	See 4-8
2-28-13	BUFFERING REQUIREMENTS:	See 4-9

2-28-14 ADDITIONAL REQUIREMENTS:

To ensure limited and appropriate levels of residential **development** in some rural areas in unincorporated Tippecanoe County, without jeopardizing productive farmland and the way of life associated with farming, the following parameters shall be incorporated into any submission seeking rezoning to RE for purposes of developing a **rural estate subdivision**:

- (a) Proposed RE-zoned sites, or FP-zoned portions of **rural estate subdivisions** shall be located no closer than ½-mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.
- (b) Petitioner shall demonstrate that more than 50% of the acreage in the **rural estate subdivision** request is either:
 - (1) wooded and untilled,
 - (2) **non-tillable**, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001, or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%, part of which may be zoned FP. Petitioner shall supply evidence of this percentage in the form of current and past aerial photography available from the Soil and Water Conservation District.
- (c) 12 single-family residential **lots** shall be the maximum proposed for any **rural estate subdivision**.
- (d) **Lots** created through RE zoning and simultaneous **rural estate subdivision**, shall be a minimum of 1 acre of either RE-zoned land, or 1 acre of RE- and FP-zoned land of which at least 30,000 sq. ft. is zoned RE, exclusive of any outlot containing drainage **easements** and/or **rural estate roads**, and exclusive of any **public street right-of-way**, within a maximum **zone density** of no more than 1 **dwelling unit** per 2 acres within the **rural estate subdivision**.
- (e) Each **lot** shall be accessed only from a **rural estate road** within the proposed RE-zoned

site. Petitioner shall demonstrate that any **rural estate road** would be sited to minimize damage to existing trees and topography.

(f) A **rural estate road** shall be built to the specific standards found in the *Unified Subdivision Ordinance* and below in 2-28-14-g and 2-28-14-h.

(g) If it is to be held privately by a homeowners' association, the **rural estate road** shall:

- (1) have a minimum 20' pavement width, within a minimum 52'-wide outlot;
- (2) have either two 4' or wider grassed shoulders or curb and gutter alongside the pavement;
- (3) if shoulders, have side ditches with a maximum 3:1 slope;
- (4) when required by the County Drainage Board, have additional easements platted beyond the edge of the outlot; and
- (5) should it be a *cul-de-sac*, end in a turnaround. If looped, this turnaround shall have a minimum 20' pavement width, surrounded by a 4' or wider grassed shoulder and side ditches or curb and gutter; if no curb and gutter, have side ditches with a maximum 3:1 slope, all situated in an outlot having a minimum 80' diameter. Should the **rural estate road** end in a hammerhead, each side shall conform to 2-28-14-g-1 through 2-28-14-g-4 above.

All cross section design standards shall be certified by developer's Registered Land Surveyor or Professional Engineer as complying with private **rural estate road** standards. A private **rural estate road** may, on a case-by-case basis, be dedicated and may be accepted for public maintenance at any time if it has been built or subsequently rebuilt to County Highway Department standards current at the time of the request.

(h) If it is to be a **public street** dedicated and accepted for public maintenance, the **rural estate road** shall:

- (1) conform to all **subdivision** road standards as per the *Unified Subdivision Ordinance*; or
- (2) conform to the following public **rural estate road** standards:
 - (A) a rural cross-section in a dedicated 52' minimum **right-of-way**, with 20' of pavement, 4' grassed shoulders, and a drainage easement configured with 3:1 maximum side slopes with a 2' minimum ditch depth; and
 - (B) an appropriate rural cross-section *cul-de-sac*, subject to County Highway Department standards.

(i) Water supply shall be by individual well or a central water supply.

(j) Sanitary effluent shall be handled either by individual or clustered sewage disposal system, approved by the County Health Department through the **rural estate subdivision** process.

(k) The County Drainage Board shall enforce all aspects of drainage, including side ditches if situated within a privately held outlot. However, the County Highway Department shall enforce side ditches in dedicated **right-of-way**.

(l) A homeowners' association shall be created and appropriate documents recorded at the time of final plat recording. The association shall be responsible for maintaining any outlot, private **rural estate road**, common area, and improvement for common usage, and for implementing any approved stormwater management, landscape and erosion control plans. Deeds transferring outlots and common areas to the homeowners' association shall be recorded at the time of final **plat** recording.

2-28-15 SUBDIVISION OF PROPOSED RE-ZONED SITES:

(a) All requests for RE zoning shall be accompanied or preceded by a complete application for **rural estate subdivision** sketch plan review. The sketch plan shall consist only of land proposed to be rezoned RE, or land proposed to be rezoned RE plus land already zoned FP.

(b) To help determine the appropriateness of the rezoning request, this sketch plan, pursuant to the requirements of the *Unified Subdivision Ordinance*, shall be completed and revised as necessary no less than 12 days before the public hearing on the rezoning request.

Section 7: Change 3-2, PERMITTED USE TABLE, of **CHAPTER 3**, PERMITTED USE TABLE, by adding an additional column – RE – in the Rural Zones section, and by permitting the following uses in the RE zone, either as of right or by special exception, as indicated by “P” or “S” to read as follows:

Parking Groups	Special Conditions	SIC Group	PERMITTED PRIMARY USES	Rural Zones RE
3-2-1 RESIDENTIAL USES:				
1	4-11-1 (Am. 6,15)	----	"Single-family dwelling" ⁵² (Amend 8)	P
1	4-11-1 (Am. 15)	----	"Manufactured home"	P
3-2-2 AGRICULTURE, FORESTRY AND FISHING:				
4	2-26 if FP	01	Agricultural production – crops	P
4	2-26 if FP	08	Forestry ²	P
3-2-6 TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY SERVICES:				
6	2-26 if FP	46	Pipelines, except natural gas	P
8 / c	2-26 if FP	4813	Local telephone communications ¹⁹ (Am 3)	P
6	2-26 if FP	4911	Electrical power transmission ¹⁹	P
6	2-26 if FP	4922	Natural gas transmission ¹⁹	P
6	2-26 if FP	4941	Water supply systems ¹⁹	P
16	2-26 if FP, 4-11-8	----	"Recycling collection facilities"	P
3-2-10 SERVICES:				
22	4-11-6	7011	"Bed and breakfasts"	S
38 / c		7997	Swimming clubs	S
38 / c		7997	Tennis clubs	S
47		835	"Child care homes" ⁴⁶	P
1		----	"Group homes"	S
50 / c	2-26 if FP	842	Arboreta and botanical or zoological gardens ⁴⁷	S
3-2-11 PUBLIC ADMINISTRATION:⁴⁹				
8 / c		91	Executive, legislative and general government, except finance ⁵⁰	P

Section 8: Change 4-2-1, SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of 4-2, STANDARD DIMENSION REQUIREMENTS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, by adding a new line for the RE zone, by modifying Footnote 2, and by adding Footnotes 11 and 12 to read as follows:

ZONE	MINIMUM LOT AREA ¹ (sq. ft)		MINIMUM LOT WIDTH ¹ (ft.)	MAXIMUM LOT COVERAGE BY ALL BUILDINGS (pct.)	MINI-MUM VEGETATIVE COVER (pct.)	MAXIMUM BLDG. HEIGHT (ft.)
	PER USE	PER D.U. ²				
RE	11	2 acres	100 ¹²	10	80	35 ⁹
FOOTNOTES TO 4-2-1:						
2	Applies only to <i>two-family</i> and <i>multi-family dwellings</i> in <i>zones</i> which permit them. Also applies to minimum <i>density</i> – area per <i>dwelling unit</i> – in a <i>rural estate subdivision</i> .					
11	As determined by the Tippecanoe County Health Department – as per its <i>Ordinance No. 99-30CM</i> or its successors – on a lot-by-lot basis, but in no case less than 1 acre, at least 30,000 sq. ft. of which is zoned RE, exclusive of any outlot containing drainage <i>easements</i> and/or <i>rural estate roads</i> , and exclusive of any <i>public street right-of-way</i> . Footnote 1 above does not apply.					
12	See 2-28-5 for <i>lots</i> fronting on a cul-de-sac, and for <i>flag lots</i> .					

Section 9: Change **4-2-2**, SUMMARY OF STANDARD SETBACK REQUIREMENTS, of **4-2**, STANDARD DIMENSION REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by adding a new line for the RE zone, and by adding Footnotes 10 to read as follows:

ALONG STREET FRONTAGE (Amends 16, 16a) MINIMUM SETBACK ¹ FOR MINIMUM REAR SETBACK					NOT ALONG STREET FRONTAGE MINIMUM SIDE SETBACK			
ZONE	LO	CO	SE	PR	PrmUB	AccUSB ²	PrmUB	AccUSB
RE ¹⁰	25	30	40	60	25	25	6	6

FOOTNOTES TO 4-2-2:
10 25', measured as per 2-28-7 above.

Section 10: Change subsection (c) of **4-4-6**, SETBACKS FOR PARKING, of **4-4**, SETBACKS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (c) Required parking is permitted in the *front setback* in any *residential* or RE *zone* when it is used as a drop-off for a *child care home* on that same *lot*.

Section 11: Change the first sentence of subsection (a) of **4-4-8**, SETBACKS FOR OPEN USES, of **4-4**, SETBACKS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (a) The minimum *setback* for any *open use*, other than those listed in 4-4-8-a-1 below, is 5' from the *front lot line*, plus 5' from any *side* or *rear lot line* abutting a *street* or a *residential* or RE *zone*.

Section 12: Change the first sentence of subsection (a) of **4-6-15**, AUTO PARKING SPACE AND PARKING AREA DESIGN STANDARDS, of **4-6**, PARKING AND LOADING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (a) All auto *parking spaces*, *maneuvering spaces* and *maneuvering aisles* shall be paved, except in A, AA, AW, FP and RE *zones* and on *farms* in any *zone*, where paving is optional.

Section 13: Change the column headings of **4-8-4**, PERMITTED SIGNS BY TYPE AND ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

R1s ALL INSTL: I1 (Amend 7)													I2		A,
R2s R3s RSDTL/ (Amend 20)															
AA															
SIGN TYPE RE R4W RURAL NB NBU OR MR GB HB CB CBW I3 AW, FP															

Section 14: Change the first box under the column heading ZONAL BASE RATE of **4-8-5**, MAXIMUM SIGN AREA PER SIGN-LOT, BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

ZONAL BASE RATE		ROAD SPEED LIMIT ¹		BUILDING SETBACK ²		PERCENT OF PERMITTED FREE-STANDING SIGN AREA USED ³	
sq. ft.	X	FACTOR	X	FACTOR	X	(Amend 20)	
R1 R1A R1B							
R1U R1Z							
R2 R2U	6						
RE							

Section 15: Change the column headings of **4-8-6**, NUMBER PER SIGN-LOT, AREA, HEIGHT AND SETBACK OF INDIVIDUAL FREESTANDING SIGNS, BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**,

ADDITIONAL USE RESTRICTIONS, to read:

<i>FREESTANDING SIGN</i>	R1s	ALL	INSTL:							I1	
CHARACTERISTIC	R2s	R3s	RSDNTL/	NBU	NB	(Amend 20)				I2	A, AA
	RE	R4W	RURAL	MR	OR	GB	HB	CB		I3	AW, FP

Section 16: Change the column headings of **4-8-8**, PERMITTED SIGN CHARACTERISTICS BY ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

SIGN	ALL	INSTL:							I1	
CHARACTERISTIC	RESIDENTIAL	RSDNTL/	NB			GB	CB		I2	A, AA
	ZONES, RE	RURAL	NBU	OR	MR	HB	CBW		I3	AW, FP

Section 17: Change the first box under the column heading ZONE UNDERGOING NEW DEVELOPMENT OR REDEVELOPMENT, of **4-9-3-a**, TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE, of **4-9**, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

ZONE UNDERGOING	ZONE ABUTTING NEW DEVELOPMENT OR REDEVELOPMENT									
NEW DEVELOPMENT	R1	R1A	R1B	R1U	R1Z		NB			A
OR REDEVELOPMENT	R2	R2U	R3	R3W	RE		GB	I1		AA
R1 R1A R1B R1Z	R4W	PDRS	MR	NBU		OR	HB	I2	I3	AW FP
R2 R3 R3W R4W RE										

Section 18: Change subsection (b) of **4-10-4**, GLARE AND HEAT, of **4-10**, INDUSTRIAL PERFORMANCE STANDARDS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (b) In I1, I2 and I3 *zones*, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 *footcandles* when measured in any *residential* or RE *zone*.

Section 19: Change subsections (e)(2) and (f) of **4-11-6**, BED AND BREAKFASTS, of **4-11**, MISCELLANEOUS RESTRICTIONS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (e) To ensure compatibility with neighboring uses:
- (2) guest parking for *bed and breakfasts* located in *residential* and RE *zones* shall be screened from adjacent properties by a 5 ft. high wood or masonry fence, or by sight-obscuring vegetation; and
- (f) To prevent disruption of residential neighborhoods through the proliferation of nonresidential *uses*, a *bed and breakfast* in a *residential* or RE *zone* shall not be located on a *lot* that is closer than 200' from any other *lot* containing a *bed and breakfast*.

Section 20: Change the first sentence of subsection (a) of **5-2-1**, SUBDIVISIONS, of **5-2**, SUBDIVISIONS, PLANNED DEVELOPMENTS AND CONDOMINIUMS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (a) The *subdivision* of land in accord with the requirements of the adopted *Unified Subdivision Ordinance* is permitted in these *zones*: R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W, R4W, NB, NBU, OR, MR, GB, HB, CB, CBW, I1, I2, I3, A, AA, AW, FP and RE.

Section 21: Add a subsection (c) to **5-2-1**, SUBDIVISIONS, of **5-2**, SUBDIVISIONS, PLANNED DEVELOPMENTS AND CONDOMINIUMS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (c) The only kind of *subdivision* permitted in an RE *zone*, is a *rural estate subdivision*, formulated

and approved within the requirements of the adopted *Unified Subdivision Ordinance*.

Section 22: Change the second sentence of subsection (b) of **5-5-1**, INTENT, of **5-5**, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

- (b) Thus **home occupations** conforming to the requirements of 5-5-2 through 5-5-4 below, are permitted in any non-rural **zone** which authorizes the **dwelling unit** to which the **home occupation** is accessory, in A, AA and AW **zones** on **lots** up to 2 acres in area, and on all residential **lots** in RE **zones**; **rural home occupations** conforming to the requirements of 5-5-5 through 5-5-7 below, are permitted as an **accessory use** on rural-zoned **lots**, other than those zoned RE, larger than 2 acres in area.

Section 23: Change the first sentence of **5-5-5**, of **5-5**, HOME OCCUPATIONS AND RURAL HOME OCCUPATIONS, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS. to read:

Rural home occupations are permitted in any **dwelling unit** or any **accessory building** to a **dwelling unit** which is normally associated with a residential or agricultural **use**, and which is located on a lot 2 acres or larger in area and in a **rural zone** other than RE.

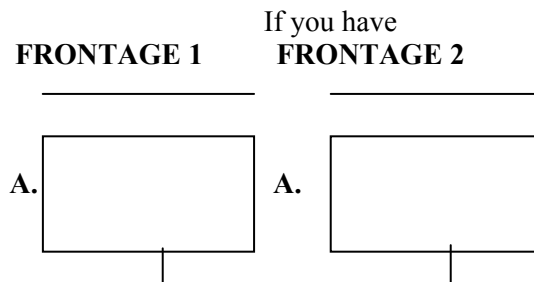
Section 24: Change the first sentence of subsection (b) of **6-4-5**, VARIANCES, of **6-4**, BOARDS OF ZONING APPEALS, of **CHAPTER 6**, ADMINISTRATION, to read:

- (b) The **ABZA** or **ABZA-LD** may grant a **variance** from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W **density** caps; 2-10-11 and 2-11-11, the R3W and R4W maximum **building height**; 2-26, **Flood Plain Zones**; 2-27 **Planned Development Zones** and 2-28-14, **Rural Estate Zones, Additional Requirements**) if, after a public hearing, it makes findings of facts in writing, that:

Section 25: Change subsection A. of **APPENDIX D-2**, CALCULATING MAXIMUM SIGN AREA OF A SIGN-LOT, to read:

A. The ZONAL BASE RATE is:

R1, R1A, R1B, R1U, R1Z, R2, R2U, RE	= 6 sq.ft.
R3, R3W, R3U, R4W	= 20 sq.ft.
INSTL: RES./RURAL (Amend 5)	= 20 sq.ft.
NBU, MR	= 30 sq.ft.
NB, OR, GB, HB, CB, CBW, I1, I2, I3	= 40 sq.ft.
A, AW, AA, FP	= 10 sq.ft.



Section 26: This ordinance shall be in full force and effect from and after its passage.

(Adopted and Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20__.

VOTE:

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Mrs. Fahey briefly explained the three ordinances:

Ord. 2002-26-CM, effective October 1, 2002, eliminates the use of parcelization in unincorporated areas except in select agriculture zoning districts (AA) where two (2) parcelizations are still permitted per parent tract.

Ord. 2002-27-CM, effective July 1, 2002, creates the approval process for Rural Estate (RE) Subdivisions, including a timeline, and adds requirements for RE Subdivisions regarding road design and other kinds of improvements.

Ord. 2002-28-CM changes the definition that will prevent sliders. If passed today, no sliders not recorded before today will be possible. Rural Estate Subdivisions will be RE or RE plus FP (Flood Plain) Zones. Requirements for a RE Subdivision are:

- A maximum of 12 lots at one time. The owner may add more at a later date.
- The minimum size is one (1) acre, but the density has to average two (2) acres per lot for the subdivision.
- It has to be situated more than ½ mile beyond the reach of sanitary sewer.
- Fifty percent (50%) of all land has to be wooded, untillable, or untilled for at least three (3) years between 1997 and 2001.
- Internal roads can be public or private.

Public Comments

Sam Brown, 9020 Grant Rd., Battleground: Mr. Brown read a letter he had submitted to the Journal & Courier Newspaper but did not submit for the record.

- If a landowner cannot create 4 parcel 2 acre tracts, the value of the land will be affected as well as the ease of transferring to a son or daughter.
- Persons in AA zones can still parcelize in two (2) 2 acre tracts, but residents in A or AW zones will not have that ability. He wondered why those in a AA zone will retain that right.
- The Minor Subdivision option may be available but it will be more costly and time consuming and will not be available to the landowner if the property doesn't have the correct amount of road frontage.
- He predicts passage will adversely affect the cost of real estate.
- In his opinion, taking away the ability to parcelize is unfair, unequal, and undesirable.
- Leaving the primary use site where it is solved the slider issue.

Mrs. Fahey's response:

- AA zone: If parcelization was always used as intended, this would not be an issue. Most parcelizations don't occur in AA (prime farm) zoned land where farmers are more interested in farming. They may be interested in parcelizing to add family members to help work the farm.
- Minor SD is frequently used by individuals and no attorney is required. Flag lots may be used if there is a frontage problem.
- AA zone is eligible to apply for RE zoning. It will be up to the Commissioners to decide if that is appropriate.

Pat Cunningham, 7203 E. Greenview Dr. Battleground:

- The term "slider" has always had a negative connotation but it allowed parcelization in a desirable area, on a wooded site, instead of the middle of good farm ground.
- The impact has been good; Kingswood is an example.
- Most of the areas formed by "sliders" were former dump sites for farmers.
- "Sliders" were perceived as unregulated, but the Health and Highway Departments were always involved.
- The Drainage Board has the right to review drainage in these areas.
- If parcelizations were used as intended, the parcel would be in the middle of good farm ground.
- There will be more government regulation with the passage of these Ordinances.

Joanne Titolo, 202 Sherman St. Battleground:

- Large developments that surround small towns such as Battleground impact the towns negatively. They

strain the school population, the roads, and police and fire protection.

- Creating larger estates will benefit small communities.

Commissioners' Comments

Commissioner Benson is hopeful that RE Subdivisions will allow more Kingswoods to take place. If these Ordinances don't work, changes can be made. She thinks this is a good way to develop good homesites and keep tillable ground.

President Knochel commented he is sure this is a compromise. He agreed the issue can be readdressed if it doesn't work.

Auditor Plantenga recorded the following votes:

Ord. 2002-26-CM

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2002-26-CM passed 3 – 0.

Ord. 2002-27-CM

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-27-CM passed 3 – 0.

Ord. 2002-28-CM

Ruth Shedd	Yes
John Knochel	Yes
KD Benson	Yes

- The motion to approve Ordinance 2002-28-CM passed 3 – 0.

ORDINANCE 2002-29-CM: UZO Amendment #30: Area Plan Assistant Director Sallie Fahey

- Commissioner Benson moved to hear and approve Ordinance 2002-29-CM, seconded by Commissioner Shedd.

(quote)

June 20, 2002
Ref. No. 02-351

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **UZO AMENDMENT #30:** An amendment to modify the front and rear setbacks of the R1U, R2U, and R3U zoning districts found in Chapter 2, and Chapter 4-2-2 of the Unified Zoning Ordinance of Tippecanoe County.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 19, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed UZO amendment. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be APPROVED.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-29-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1. Change Chapter 2: **ZONE REGULATIONS** to read as follows:

2-4 SINGLE-FAMILY RESIDENTIAL ZONES		
R1U		R1U
2-4-7	MINIMUM FRONT, REAR OR SIDE SETBACK ALONG STREET FRONTAGE:	15' (See 4-4-1 regarding Averaging <i>Setbacks</i> along <i>Street Frontages</i> and see 4-4 for additional information.)
2-4-8	MINIMUM REAR SETBACK NOT ALONG STREET FRONTAGE:	<i>Primary use building</i> - 20' <i>Accessory building</i> - 6' See 4-4 for additional information
2-7 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL ZONES		
R2U		R2U
2-7-7	MINIMUM FRONT, REAR OR SIDE SETBACK ALONG STREET FRONTAGE:	15' (See 4-4-1 regarding Averaging <i>Setbacks</i> along <i>Street Frontages</i> and see 4-4 for additional information.)
2-7-8	MINIMUM REAR SETBACK NOT ALONG STREET FRONTAGE:	<i>Primary use building</i> - 20' <i>Accessory building</i> - 6' See 4-4 for additional information
2-9 SINGLE-FAMILY, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL ZONES		
R3U		R3U
2-9-8	MINIMUM FRONT, REAR OR SIDE SETBACK ALONG STREET FRONTAGE:	15' (See 4-4-1 regarding Averaging <i>Setbacks</i> along <i>Street Frontages</i> and see 4-4 for additional information.)
2-9-9	MINIMUM REAR SETBACK NOT ALONG STREET FRONTAGE:	<i>Primary use building</i> - 20' <i>Accessory building</i> - 6' See 4-4 for additional information

Section 2. Change **4-2-2 SUMMARY OF STANDARD *SETBACK* REQUIREMENTS** to read as follows:

	ALONG STREET FRONTAGE				NOT ALONG STREET FRONTAGE			
	(Amends 16, 16a) MINIMUM SETBACK¹ FOR PRIM. USE BLDG, ACC.USE/STR/BLDG				MINIMUM REAR SETBACK	MINIMUM SIDE SETBACK		
ZONE	LO³	CO	SE	PR	PrmUB	AccUSB²	PrmUB	AccUSB
R1U³	15	15	15	15	20	6	6	4
R2U³	15	15	15	15	20	6	6	4
R3U³	15	15	15	15	20	6	6	4

See next page for abbreviations and footnotes.

This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 20__.

VOTE:

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Mrs. Fahey explained that Urban residential zones (R1U, R2U, & R3U) do not currently have a standard front setback but, if there are existing houses on the block, the homeowner can use the average setback of those houses. If it is the first house on the block, there is nothing to average. The proposal is to use 15' for a front setback or an average of the neighbors' setback to a minimum of 10'. The proposed rear setback for primary use buildings would be reduced from 25' to 20'.

Auditor Plantenga recorded the vote:

John Knochel	Yes
KD Benson	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2002-29-CM passed 3 – 0.

ORDINANCE 2002-30-CM: Z-2073, Dale & Carol Rhode R1 to NB

- Commissioner Benson moved to approve Ordinance 2002-30-CM, seconded by Commissioner Shedd.

(quote)

June 20, 2002
Ref. No.: 02-360

Tippecanoe County Commissioners
20 North 3rd, Street
Lafayette, IN 47901

Attn: Tippecanoe County Auditor

CERTIFICATION

RE: **Z-2073-DALE & CAROL RHODE (R1 TO NB):** Petitioners are requesting the rezoning of an existing Pizza King restaurant located on the northeast corner of Grant Road and SR 25 N in the unincorporated town of Americus, Washington 16 (NE) 24-3.

Dear County Commissioners:

As Secretary Pro Tempore to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 19, 2002, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to rezone the subject real estate from R1 to NB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their July 1, 2002 regular meeting.

Sincerely,
/s/James D. Hawley
Executive Director

ORDINANCE NO. 2002-30-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 TO NB**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not a part of the unified county code is hereby amended to rezone the following described real estate situated in Washington Township, Tippecanoe County, Indiana, to-wit:

The south half (1/2) of lot numbered sixty-one (61) in the Town of Americus laid off by William Digby, situated on the southeast bank of the Wabash River and on the southeast fraction of section sixteen (16), township twenty-four (24) north, range three (3) west, Washington Township, Tippecanoe County, Indiana.

ALSO, the north half (1/2) of lot numbered sixty-one (61) in the Town of Americus laid off by William Digby, situated on the southeast bank of the Wabash River and on the southeast fraction of section sixteen (16), township twenty-four (24) north, range three (3) west, Washington Township, Tippecanoe County, Indiana.

Section 2. The above described real estate should be and the same is hereby rezoned from R1 to NB.

Section 3. This ordinance shall be in full force and effect from and after its adoption.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana this 1st day of

July, 2002.

VOTE:

_____	_____
	John L. Knochel, President
_____	_____
	KD Benson, Vice President
_____	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

(unquote)

Representing the petitioners, Attorney Randy Williams requested the zoning change from R1 to NB for the Pizza King Restaurant that has operated at this site for approximately 25 years. He said the petitioners are unable to sell the business because it is a non-conforming use.

Auditor Plantenga recorded the vote:

KD Benson	Yes
Ruth Shedd	Yes
John Knochel	Yes

- The motion to approve Ordinance 2002-30-CM passed 3 – 0.

JAIL EXPANSION UPDATE: Kettelhut Representative Steve Habben

Holding area is in the finish stage:

Dry wall and painting are proceeding and the floor covering is scheduled to be installed in the next two weeks.

Security locks are being installed on the cells.

Site work around the outside is proceeding.

Pod area:

Masonry work is proceeding.

The cells are installed.

Fireproofing, mechanical, and electrical are in progress.

Roofing:

100% complete on the new pod and holding area.

50% complete on the existing facility.

AWARD: Parking Garage: Rick Conner, Jim Guidroz, and Kent Moore

Rick Conner, Jim Guidroz, and Kent Moore, representing American Consulting Engineers, appeared to present the Commissioners an award from the Indiana Chapter of the American Concrete Institute. The award, in the category of Special Structures, is for outstanding achievement in concrete. Mr. Conner said the County's Parking Garage is an innovative use of concrete and thanked the Commissioners for their vision and leadership in this project. In his opinion, the Garage is a magnificent structure that started as a small surface parking lot.

President Knochel responded that the Commissioners are proud of the structure and have received a lot of compliments from others in the downtown area.

REQUEST FOR EDIT FUNDS: Tippecanoe Arts Federation

Jim Bodenmiller, 3620 Greenfield Ln., W. Laf., a spokesman for the Arts Federation, requested capital funding from the EDIT Fund in the amount of \$240,000 annually for the next three (3) years. He estimated the Arts bring in \$25 million annually to the local economy. They employ 338 full time equivalent positions and 100,000 persons benefit from their outreach programs. Mr. Bodenmiller thinks there is no doubt about the impact of the Arts on economic development. He said the Arts promote cultural tourism and increase employment in the community.

Sheila Klinker, 637 Kossuth St., Laf.: Mrs. Klinker commented that the County's Parking Garage is artistic and said the Arts are part of economic development. When SIA (Subaru Isuzu) first expressed interest in locating here, she said they were interested in the cultural offerings of the community. In her opinion, fundraising through private funding is difficult.

Jason Bennett, 709 Wellington Ct., Laf.: Mr. Bennett said well paved roads don't provide economic development like a strong arts program.

Shelley Longberg-DeBoer, 739 W 750 N, W. Laf.: As Director of the Art Museum, Ms DeBoer said they recently participated in a national survey sponsored by Americans for the Arts that compared Tippecanoe County with 71 other communities. Results showed that in-county residents will spend approximately \$20.00 for food, souvenirs, etc. in addition to the price of the ticket for an event. Out-of-county participants will spend an additional \$22.00. With limited budgets, EDIT Funds will allow the Arts to offer more than they now do.

Todd Wetzel, 4315 Hadley Ct., W. Laf.: The Arts are successful in receiving contributions but they feel economic cycles. EDIT Funds would be another source of revenue. He asked what kind of community we want to be.

Dick Jaeger, 1000 Wea Ave., Laf.: The Arts may save children from a life of crime and create cultural opportunities.

Suzie Coles, 150 Hideaway Ln, W. Laf.: As Director of Regional Services for the Tippecanoe Arts Federation, Ms Coles said she will administer approximately \$127,000 this year in State grants for Region IV of the Indiana Arts Commission. She said Indiana is in the bottom 10% in the nation for funding the Arts. Because they use so much of their time on fundraising efforts, their programming efforts are minimized. They need a small steady stream of income they can depend on.

Cecil Shoemaker, 30 Harding Ct., Laf.: Mr. Shoemaker said school funding creates more need for Arts funding.

Nola Gentry, 2722 Covington, W. Laf.: Ms Gentry stated we are already using public funds for the Arts through our public schools. She said Arts in our community reach the "average" child, not just the rich. In her opinion, the Arts will attract out-of-county people who will spend money and that is economic development.

John Collier, 810 Lindberg Rd., W. Laf.: Many of the Arts organizations are housed in historic buildings that need upkeep dollars. During Civic Theater productions last year at the Amphitheater, a survey of license plates showed attendees from 18 counties and 5 states.

Commissioners' Comments

Commissioner Shedd said she appreciates the need for Arts in the community but she doesn't think the proposed projects are capital items that qualify for EDIT Funds.

Commissioner Benson said she is a patron of the Arts and believes they are good for the community. However, she doesn't believe the proposed projects fit the criteria set by law for the use of EDIT Funds.

Commissioner Knochel said the Statute defining the use of EDIT Funds can be interpreted several different ways. He said the Arts enhance the quality of life and make it easier to recruit a workforce. Commissioner Knochel thinks the request is excessive but is willing to vote to use EDIT Funds.

- Commissioner Knochel moved to support the Arts Federation in the amount of \$120,000 for the first year and review in the next two Budget years to possibly increase that amount by \$20,000 each year.
- The motion died for lack of a second.

RESOLUTION 2002-26-CM: Approving Form of Lease for Court Services: Director Cindy Houseman

Mrs. Houseman said they need to increase their office space by 50% due to proposed additional staff and workshops. She wants to lease available space adjacent to their current office.

Attorney Masson said this issue needs to be addressed by the Commissioners in a Public Hearing and the funding approved by the County Council. Prior to the Public Hearing, Mrs. Houseman needs to collect fifty (50) signatures of Tippecanoe County Taxpayers in support of the Lease.

President Knochel set the Public Hearing for 5:00 P.M., Monday July 15, 2002 in the Tippecanoe Room in the County Office Building.

(quote)

RESOLUTION NO. 2002-26-CM

**RESOLUTION OF BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY APPROVING FORM OF LEASE**

WHEREAS, Eastside Square, LLC has drafted and submitted a proposed addendum to the lease agreement for the lease of the office facilities located at 117 N. 4th Street, Lafayette, Indiana from Eastside Square, LLC. for the purpose of providing office space and facilities for Tippecanoe County Court Services programs; and

WHEREAS, it now appears to the County Board of Commissioners ("Commissioners") that the proposed lease with the Eastside Square, LLC, as Lessor, provides for a fair and reasonable rental for the lease of the Project;

NOW THEREFORE BE IT RESOLVED, that the terms and conditions of the proposed form of lease are approved and agreed to as the basis for a hearing, as required by law, and that such hearing should be held by the Commissioners upon the necessity for the execution of such lease and whether the lease rental provided therein is a fair and reasonable rental for the proposed project, prior to final determination of such questions, so that the Commissioners may determine whether to execute such lease as now written, or as modified, said hearing to be held on July 15, 2002 at 5:00 p.m. at Tippecanoe County Office Building, 20 N. 3rd Street, Lafayette, Indiana.

BE IT FURTHER RESOLVED, that the Secretary is authorized and directed to publish notice of such hearing as required by law.

**BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY, INDIANA**

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor

7/1/2002

(unquote)

- Commissioner Benson moved to approve Resolution 2002-26-CM, seconded by Commissioner Shedd; motion carried.

CONTRACT ADDENDUM: Tax Management Associates, Inc.: County Assessor Bob McKee

The Commissioners entered into a contract with Tax Management Associates on October 16, 2000 for Business Personal Property Audit Services. Mr. McKee explained that, due to a recent change to the Indiana Code, the fee for Audit Services for Personal Property can only be allowed on a flat fee basis. This Addendum will extend the contract on that basis but he pointed out that the Township Assessors don't want to be tied into a long term contract with Tax Management Associates. They do agree that they need Tax Management Associates' services for Personal Property Hearings that are scheduled for this July 23rd and 24th.

Attorney Masson said the original contract allowed cancellation by either party with 30 days written notice after the first year of the contract. This Addendum will also continue on a month-to-month basis.

- Commissioner Benson moved to approve the Contract Addendum with Tax Management Associates, Inc., seconded by Commissioner Shedd; motion carried.

2003 SALARY ORDINANCES: Auditor Plantenga

Auditor Plantenga presented the 2003 Salary Ordinances to the Commissioners. He explained that, by Statute, the annual Salary Ordinances have to be filed with the County Auditor by July 1st and presented to the Commissioners at their July meeting. The Commissioner are then to make recommendations to the County Council by August 20th.

RESOLUTION 2002-22-CM: Amends Cum Cap Plan

This Resolution:

- Amends Project X to provide additional funds for Telephone System Upgrades for MITS.
- Amends Project CC to provide additional funds for TCOB and the Health Department at 629.
- Adds Project EE to repair and replace air conditioning equipment for TCOB and Courthouse.
- Adds Project FF to repair and replace the sound recording system in Superior Court VI.

(quote)

BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

RESOLUTION 2002-22-CM

**RESOLUTION FOR THE AMENDMENT AND RE-ADOPTION OF THE
TIPPECANOE COUNTY CUMULATIVE CAPITAL TAX IMPROVEMENT PLAN**

WHEREAS, The Board of Commissioners of the County of Tippecanoe has the authority to adopt a Cumulative Capital Improvement Plan for the County of Tippecanoe setting forth the uses of the revenues which Tippecanoe County shall receive from the Cumulative Capital Tax duly adopted in the year 1984, (Resolution 84-03-CM); re-adopted May 6, 1985, (Resolution 85-01-CM); re-adopted April 20, 1987, (Resolution 87-10-CM); re-adopted July 16, 1990, (Resolution 90-10-CM); as amended on May 20, 1991, (Resolution 91-07-CM); and re-adopted July 19, 1993 (Resolution 93-08-CM); and re-adopted November 9, 1994; as amended January 20, 1998 (Resolution 98-09-CM); as amended May 4, 1998 (Resolution 98-21-CM); as amended July 6, 1998 (Resolution 98-29-CM); and amended and re-adopted on March 1, 1999 (Resolution 99-12-CM) and amended and re-adopted on February 22, 2000, (Resolution 2000-1 I-CM) and re-adopted on April 3, 2000 (Resolution 2000-17-CM; and amended and re-adopted on February 20, 2001 (Resolution 2001-07-CM); and amended and

re-adopted on September 5, 2001 (Resolution 2001-38-CM);and amended and re-adopted on November 7, 2001 (Resolution 2001-50-CM);and amended and re-adopted on February 4, 2002 (Resolution 2002-05-CM); and Amended and Readopted on February 12, 2002 (Resolution 2002-10-CM);

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to amend the Project X of the Cumulative Capital Tax Improvement Plan to provide additional funds for Capital Outlay Expenditures for Calendar Year 2002 for the MITS Department for Telephone System upgrades in the amount of \$90,000 and to reduce the funding for PC Replacement by \$15,000;

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to amend Project CC of the Cumulative Capital Tax Improvement Plan to provide additional funds for the remodeling and furnishing of the Tippecanoe County Office Building, specifically replacement of Health Department carpeting in the amount of \$5,000.00, thereby increasing total funding for said project to \$20,000; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to add a new Project EE to provide for the repair and replacement of air conditioning equipment for the Tippecanoe County Courthouse (2 new compressors in the sum of \$28,000) and Tippecanoe County Office Building (chiller unit in the amount of \$12,000) for a total sum of \$36,000; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to add a new Project FF providing for the repair and replacement of the sound recording system in Tippecanoe County Superior Court IV in the Tippecanoe County Courthouse in the amount of \$15,000; and

WHEREAS, the Board of Commissioners of the County of Tippecanoe desires to ratify and confirm the Cumulative Capital Tax Improvement Plan, as so amended;

NOW THEREFORE BE IT RESOLVED, after due consideration The Board of Commissioners of the County of Tippecanoe hereby Amends Project X of the Cumulative Capital Tax Improvement Plan to provide additional funds for Capital Outlay Expenditures for Calendar Year 2002 for the MITS Department for Telephone System Upgrades in the amount of \$90,000 and to reduce funding for PC Replacement by \$15,000, the amended funding for MITS being as follows:

MITS	16-16-405000		
Help Desk Solution		\$35,000.00	
Remote Control		5,000.00	
PC Replacement		60,000.00	
Account			
Remote Site VPN		17,200.00	
Analog Card Telephone		2,050.00	
Switch			
Telephone System		90,000.00	
Upgrade			
			\$209,250.00

BE IT FURTHER RESOLVED that Project CC of the Cumulative Tax Improvement Plan be amended to provide additional funds for remodeling and furnishing of the Tippecanoe County Office Building, specifically the replacement of Health Department carpeting, in the amount of \$5,000, increasing the total cost of said project to \$20,000, all of which will be provided from the Cumulative Capital Fund.

BE IT FURTHER RESOLVED that there is added to the Cumulative Capital Improvement Plan for the County of Tippecanoe a new Project EE as follows:

PROJECT EE - REPAIR AND REPLACEMENT
OF TCOB AND COURTHOUSE
AIR CONDITIONING EQUIPMENT

1. Identification and General Description of Project

The Board of Commissioners has determined there exists the need to replace two (2) air conditioning compressors providing air conditioning service for the Tippecanoe County Courthouse and the chiller unit providing air conditioning service for the Tippecanoe County Office Building. The cost of the two (2) courthouse compressors will be approximately \$28,000. The cost of the chiller unit will be approximately \$12,000.

2. Estimated Total Project Cos

The estimated total cost of the project is approximately \$36,000.

3. Identification of All Sources of Funds for Project

Tippecanoe County will grant a maximum of \$36,000 from the Cumulative Capital Fund.

4. Planning, Development and Construction Schedule of Project

The project will be planned, developed and constructed in calendar year 2002.

BE IT FURTHER RESOLVED that there is added to the Capital Improvement Plan for the County of Tippecanoe a new Project FF as follows:

**PROJECT FF - REPAIR AND REPLACEMENT
OF TIPPECANOE SUPERIOR COURT IV
SOUND RECORDING SYSTEM**

1. Identification and General Description of Project

The Board of Commissioners has determined that the existing sound recording system located in the Tippecanoe County Courthouse for use of Superior Court IV no longer functions properly and the cost of repair exceeds the cost of replacement. Project FF will provide for the replacement of the Superior Court IV sound recording system at a cost of approximately \$15,000.

2. Estimated Total Project Cost

The estimated total cost of the project is approximately \$15,000.

3. Identification of All Sources of Funds for Project

Tippecanoe County will grant a maximum of \$15,000 from the Cumulative Capital Fund.

4. Planning, Development and Construction Schedule of Project

The project will be planned, developed and constructed in calendar year 2002.

BE IT FURTHER RESOLVED that in all other respects, the Cumulative Capital Tax Improvement Plan be, and it is hereby ratified and confirmed.

Adopted and passed this the ____ day of _____, 2002.

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

(unquote)

- Commissioner Benson moved to approve Resolution 2002-22-CM, seconded by Commissioner Shedd; motion carried.

CONTRACT: Jefferson Pilot Financial

This Contract with Jefferson Pilot Financial is for Group Life & Accidental Death & Dismemberment (Life & AD & D) Insurance for County employees.

- Commissioner Benson moved to accept the Contract with Jefferson Pilot Financial to provide Group Life & AD & D Insurance effective August 1, 2002, seconded by Commissioner Shedd; motion carried.

CONTRACT: Indiana State Board of Animal Health

This Contract in the amount of \$1,000 is for required testing of cattle in Tippecanoe County for Bovine Brucellosis and Tuberculosis.

- Commissioner Benson moved to approve the Contract with the State Board of Animal Health for testing of cattle for Bovine Brucellosis and Tuberculosis, seconded by Commissioner Shedd; motion carried.

VILLA APPLICATIONS

- Commissioner Benson moved to accept applications to the Tippecanoe Villa from Rodney Paul Flora, Jane Ann Norfleet, Rita Marie Zettee, John G. Hardman, Michael A. Peacock, Eunice Illene Lohmeyer, Deborah Sue Howard, and Kevin D. Bowling, seconded by Commissioner Shedd; motion carried.

BID: Extension Office Expansion

Commissioner Benson reported the Commissioners have been asked to bid on office space for the USDA at the County Extension Office Building. President Knochel asked Attorney Masson to review the bid package and advise the Commissioners on how to proceed.

REPORTS

Reports from the Treasurer and Weights & Measures are on file in the Commissioners' Office for review.

PUBLIC COMMENT

Joe Vanable, 141 Indian Rock Dr., W. Laf.: Mr. Vanable questioned why the Arts' projects don't meet the legal requirements for economic development. He noted EDIT Funds have been used to purchase Sheriff's radios but asked how they qualify as economic development.

President Knochel explained that the Statute allowed the purchase of Sheriff's radios with EDIT Funds. He said he thinks the Arts' requests are also qualified.

ADJOURNMENT

- Commissioner Benson moved to adjourn, seconded by Commissioner Shedd; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

KD Benson, Vice President

Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor